

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

CENTURY INDEMNITY COMPANY, AS  
SUCCESSOR TO CCI INSURANCE  
COMPANY, AS SUCCESSOR TO  
INSURANCE COMPANY OF NORTH  
AMERICA and THE CONTINENTAL  
INSURANCE COMPANY

Plaintiffs,

- against -

FREEPORT-MCMORAN COPPER &  
GOLD INC., AS THE CLAIMED  
SUCCESSOR TO PHELPS DODGE  
CORPORATION, AS THE CLAIMED  
SUCCESSOR TO CYPRUS AMAX  
MINERALS COMPANY, AS THE  
CLAIMED SUCCESSOR TO AMAX,  
INC., AS SUCCESSOR TO AMERICAN  
METAL CLIMAX, INC.

Defendant.

**MOTION TO ADMIT COUNSEL  
PRO HAC VICE**

CIVIL ACTION NO. 08-CV-02012

PURSUANT TO RULE 1.3(c) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, I, Marian Hertz, a member in good standing of the bar of this Court, hereby move for an Order allowing the admission pro hac vice of Gretchen A. Ramos and Alan P. Jacobus:

Applicant's Name: Gretchen A. Ramos  
Firm Name: Carroll, Burdick & McDonough LLP  
Address: 44 Montgomery Street, Suite 400  
City/State/Zip: San Francisco, California 94104  
Phone Number: (415) 743-2576  
Fax Number: (415) 989-0932

Gretchen A. Ramos is an active member in good standing of the bar of California.

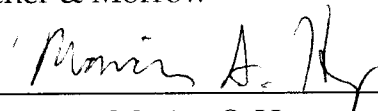
Applicant's Name: Alan P. Jacobus  
Firm Name: Carroll, Burdick & McDonough LLP  
Address: 44 Montgomery Street, Suite 400  
City/State/Zip: San Francisco, California 94104  
Phone Number: (415) 743-2245  
Fax Number: (415) 989-0932

Alan P. Jacobus is a member in good standing of the bars of the States of California, Louisiana, and Illinois.

WHEREFORE, it is respectfully prayed that the referenced motion be granted, with all other further relief deemed appropriate by the Court.

Dated: New York, New York  
March 3, 2008

Colliau Elenius Murphy Carluccio  
Keener & Morrow

By:   
Marian S. Hertz

40 Wall Street, 7<sup>th</sup> Floor  
New York, New York 10005  
Telephone: (212) 440-2743

Attorneys for Plaintiff The Continental  
Insurance Company

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

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SUCCESSOR TO CCI INSURANCE  
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CLAIMED SUCCESSOR TO AMAX,  
INC., AS SUCCESSOR TO AMERICAN  
METAL CLIMAX, INC.

Defendant.

**AFFIDAVIT OF MARIAN S. HERTZ  
IN SUPPORT OF MOTION TO  
ADMIT COUNSEL PRO HAC VICE**

CIVIL ACTION NO. 08-CV-02012

STATE OF NEW YORK     )  
                                  )ss.:  
COUNTY OF NEW YORK )

Marian S. Hertz, being duly sworn, hereby deposes and says as follows:

1. I am Senior Counsel at Colliau Elenius Murphy Carluccio Keener & Morrow, counsel for Plaintiff, The Continental Insurance Company ("Continental"), in the above captioned action. I am familiar with the proceedings in this case. I make this statement

based on my personal knowledge of the facts set forth herein and in support of Plaintiff Continental's motion to admit Gretchen A. Ramos and Alan P. Jacobus as counsel pro hac vice to represent Plaintiff in this matter.

2. I am a member in good standing of the bar of the State of New York, and was admitted to practice law in January 7, 1983. I am also admitted to the bar of the United States District Court for the Southern District of New York, and am in good standing with this Court.

3. I do not know Ms. Ramos and Jacobus personally, but my clients at Continental Insurance have known them and want to use their special knowledge for this case, and find them to be skilled attorneys and individuals of integrity. I am informed that they are experienced in Federal practice and are familiar with the Federal Rules of Procedure.

4. Accordingly, I am pleased to move the admission of Gretchen A. Ramos and Alan P. Jacobus, pro hac vice.

5. I respectfully submit proposed orders granting the admission of Gretchen A. Ramos and Alan P. Jacobus, pro hac vice, attached hereto as Exhibit A. Original Certificates of Good Standing for Ms. Ramos (from the State of California) and Mr. Jacobus (from the States of California, Louisiana and Illinois) are attached as Exhibit B.

There are no pending disciplinary proceedings against Ms. Ramos or Mr. Jacobus in any State or Federal Court.

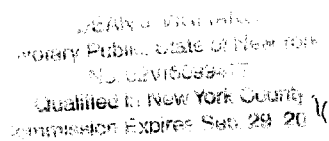
WHEREFORE, it is respectfully requested that the motion to admit Gretchen A. Ramos and Alan P. Jacobus, pro hac vice, to represent Plaintiff, The Continental Insurance Company, in the above captioned matter, be granted.

  
Marian S. Hertz

Sworn to before me this  
day of March, 2008



Notary Public

  
Notary Public, State of New York  
No. 0216089417  
Qualified in New York County  
Commission Expires Sept. 29, 2011

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

CENTURY INDEMNITY COMPANY, AS  
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- against -

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SUCCESSOR TO CYPRUS AMAX  
MINERALS COMPANY, AS THE  
CLAIMED SUCCESSOR TO AMAX,  
INC., AS SUCCESSOR TO AMERICAN  
METAL CLIMAX, INC.

Defendant.

**ORDER FOR ADMISSION  
OF GRETCHEN A. RAMOS  
PRO HAC VICE  
ON WRITTEN MOTION**

CIVIL ACTION NO. 08-CV-02012

Upon the motion of Marian Hertz attorney for THE CONTINENTAL  
INSURANCE COMPANY and said sponsor attorney's affidavit in support;

**IT IS HEREBY ORDERED** that

Applicant's Name: Gretchen A. Ramos  
Firm Name: Carroll, Burdick & McDonough LLP  
Address: 44 Montgomery Street, Suite 400  
City/State/Zip: San Francisco, California 94104  
Phone Number: (415) 743-2576  
Fax Number: (415) 989-0932  
Fax Number: (415) 989-0932

is admitted to practice pro hac vice as counsel for THE CONTINENTAL INSURANCE COMPANY in the above captioned case in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. If this action is assigned to the Electronic Case Filing (ECF) system, counsel shall immediately apply for an ECF password at [nysd.uscourts.gov](http://nysd.uscourts.gov). Counsel shall forward the pro hac vice fee to the Clerk of Court.

Dated: New York, New York

\_\_\_\_\_, 2008

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United States District/Magistrate Judge

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FOR THE SOUTHERN DISTRICT OF NEW YORK**

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CENTURY INDEMNITY COMPANY, AS  
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METAL CLIMAX, INC.

---

Defendant.

**ORDER FOR ADMISSION  
ALAN P. JACOBUS  
PRO HAC VICE  
ON WRITTEN MOTION**

CIVIL ACTION NO. 08-CV-02012

Upon the motion of Marian Hertz attorney for THE CONTINENTAL  
INSURANCE COMPANY and said sponsor attorney's affidavit in support;

**IT IS HEREBY ORDERED** that

Applicant's Name: Alan P. Jacobus  
Firm Name: Carroll, Burdick & McDonough LLP  
Address: 44 Montgomery Street, Suite 400  
City/State/Zip: San Francisco, California 94104  
Phone Number: (415) 743-2245  
Fax Number: (415) 989-0932



is admitted to practice pro hac vice as counsel for THE CONTINENTAL INSURANCE COMPANY in the above captioned case in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. If this action is assigned to the Electronic Case Filing (ECF) system, counsel shall immediately apply for an ECF password at [nysd.uscourts.gov](http://nysd.uscourts.gov). Counsel shall forward the pro hac vice fee to the Clerk of Court.

Dated: New York, New York

\_\_\_\_\_, 2008

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United States District/Magistrate Judge



# THE STATE BAR OF CALIFORNIA

MEMBER SERVICES CENTER

180 HOWARD STREET, SAN FRANCISCO, CALIFORNIA 94105-1639

TELEPHONE: 888-800-3400

February 25, 2008

TO WHOM IT MAY CONCERN:

This is to certify that according to the records of the State Bar, GRETCHEN ANNE RAMOS, #198689 was admitted to the practice of law in this state by the Supreme Court of California on December 9, 1998; and has been since that date, and is at date hereof, an ACTIVE member of the State Bar of California; and that no recommendation for discipline for professional or other misconduct has ever been made by the Board of Governors or a Disciplinary Board to the Supreme Court of the State of California.

THE STATE BAR OF CALIFORNIA

Kath Lambert  
Custodian of Membership Records



# THE STATE BAR OF CALIFORNIA

MEMBER SERVICES CENTER

180 HOWARD STREET, SAN FRANCISCO, CALIFORNIA 94105-1639

TELEPHONE: 888-800-3400

February 20, 2008

TO WHOM IT MAY CONCERN:

This is to certify that according to the records of the State Bar, ALAN PALMER JACOBUS, #206954 was admitted to the practice of law in this state by the Supreme Court of California on May 31, 2000; and has been since that date, and is at date hereof, an ACTIVE member of the State Bar of California; and that no recommendation for discipline for professional or other misconduct has ever been made by the Board of Governors or a Disciplinary Board to the Supreme Court of the State of California.

THE STATE BAR OF CALIFORNIA

A handwritten signature in black ink, appearing to read "Kath Lambert", is written over a horizontal line.

Kath Lambert  
Custodian of Membership Records

**Louisiana State Bar Association**

The Louisiana State Bar Association hereby certifies that \_\_\_\_\_

Mr. Alan Palmer Jacobus

44 Montgomery St Fl 4

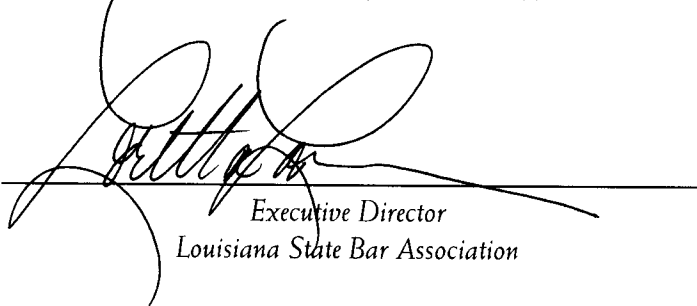
whose address is \_\_\_\_\_

San Francisco, CA 94104

is a member in good standing of the Louisiana State Bar Association as of this date, and that  
said person was duly admitted to practice in the courts of the State of Louisiana on the

8th day of October, 1993.

Given over my hand and the Seal of the Louisiana State Bar Association, this 12th  
day of February, 2008.

  
Executive Director  
Louisiana State Bar Association

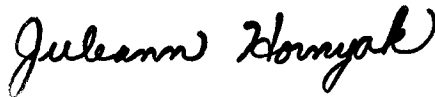
## **Certificate of Admission To the Bar of Illinois**

I, Juleann Hornyak, Clerk of the Supreme Court of Illinois, do hereby certify that

Alan Palmer Jacobus

has been duly licensed and admitted to practice as an Attorney and Counselor of Law within this State; has duly taken the required oath to support the CONSTITUTION OF THE UNITED STATES and of the STATE OF ILLINOIS, and also the oath of office prescribed by law, that said name was entered upon the Roll of Attorneys and Counselors in my office on May 9, 1996 and is in good standing, so far as the records of this office disclose.

In Witness Whereof, I have hereunto  
placed my hand and affixed the seal  
of said Supreme Court, at Springfield,  
in said State, this Wednesday, February 20, 2008.

A handwritten signature in black ink, reading "Juleann Hornyak". The signature is written in a cursive, flowing style.

Clerk

## AFFIDAVIT OF SERVICE BY MAIL

[illegible]

Katherine M. Danzo, being duly sworn, deposes and says:

That deponent is not a party to this action, is over 18 years of age and resides in the County of New York, State of New York.

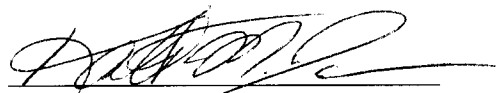
That on the 3<sup>rd</sup> day of March, 2008, deponent served the within **MOTION TO ADMIT COUNSEL PRO HAC VICE** and **AFFIDAVIT OF MARIAN S. HERTZ IN SUPPORT OF MOTION TO ADMIT COUNSEL PRO HAC VICE** upon:

Rafael Vergara, Esq.  
White And Williams LLP  
Attorneys for Plaintiff Century Indemnity Company  
One Penn Plaza, Suite 1801  
New York, NY 10119  
Phone: 212-244-9500

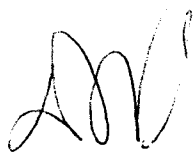
Shane R. Heskin, Esq.  
White And Williams LLP  
Attorneys for Plaintiff Century Indemnity Company  
1800 One Liberty Place  
Philadelphia, PA 19103  
Phone: 215-864-7000

Freeport-McMoran Copper & Gold Inc.  
Defendant  
1615 Poydras Street  
New Orleans, LA 70112

the addresses designated by said attorney(s) for that purpose by depositing a true copy of same enclosed in a postpaid properly addressed wrapper, in an official depository under the exclusive care and custody of the United States Post Office Department within the State of New York.

  
Katherine M. Danzo

Sworn to before me this  
3,2 day of March, 2008

  
Notary Public, State of New York  
No. 02V160896  
Qualified in New York County  
Commission Expires Sep. 29, 2011